IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

GUARDIANSHIP PETITION NO.110 OF 2005

Smt.Alpa Ghanshyambhai Vyas. ..Petitioner.

And

Kumari Hitakshi Mukesh Trivedi. ..Minor.

Smt. S.D.Mishra for petitioner.

CORAM: A.M.KHANWILKAR,J

DATE : SEPTEMBER 14, 2005.

P.C. :

1. Heard Counsel for the petitioner. Petitioner is natural mother of the minor Kumari Hitakshi Mukesh Trivedi. Petitioner was married to Mukesh Trivedi. Minor was born out of the said wedlock. However, later on matrimonial relations became sour, on account of which divorce proceeding was instituted, which culminated in decree of divorce. It is seen that the petitioner is staying separately since then and minor is under care and custody of the petitioner. It is stated in the petition that the deceased has not left behind any other legal heir to inherit the property. Being the natural mother and having regard to the paramount interest of the child, petition deserves to be allowed in terms of prayer clause (b), (c) and (d) which read thus :

(b) That being the natural mother of the minor, the petitioner be appointed as the Guardian of Minor without remuneration and security.

(c) That the office of the Western Railway DRM's Office, Mumbai Central be directed to deposit the amount of Rs.135709/-(Rupees one lakhs thirty five thousand seven hundred and nine only) with the Accounts Officer, High court, Bombay with further direction to the Accounts Officer, High court, Bombay to invest the same in fixed deposit in the name of minor for such period as to this Hon'ble court may deem fit and proper.

(d) That the Accounts Officer, High Court, Bombay be directed to pay amount of interest accruing on such deposit every month to petitioner/minor.

2. Ordered accordingly.